

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLIFFORD WEDGEWORTH,

Plaintiff,

vs.

DISTRICT 2 EMERGENCY SERVICES,
INC.,

Defendant.

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SA-21-CV-00976-JKP

ORDER

Before the Court in the above-styled cause of action is the parties' Joint Motion for Leave to Amend Scheduling Order [#26], which was filed on September 9, 2022. By their motion, the parties ask the Court to extend all scheduling order deadlines by 120 days "so that the Parties can complete discovery should Defendant's Motion for Summary Judgment be denied." The Court will deny the motion without prejudice to refiling if the motion is, in fact, denied.

The record reflects that Defendant filed its motion for dismiss, which the Court converted to a motion for summary judgment, on June 3, 2022. The motion remains pending. Plaintiff has filed three unopposed motions requesting a continuance of his response deadline to accommodate additional discovery needed to prepare the response. The current deadline to respond is September 30, 2022.

At the time the parties filed their motion for leave to amend the scheduling order, all deadlines in the existing scheduling order had already expired except for the dispositive motions deadline of September 26, 2022. The parties appear to be cooperating well in conducting discovery outside of the formal discovery period related to the pending motion for summary

judgment and, per the current scheduling order, may continue to do so without intervention by the Court.

Again, the parties' motion for leave to amend the scheduling order requests a lengthy extension of all deadlines due to a potential need for additional discovery if the motion for summary judgment is denied. The Court perceives no need for an extension of any deadline at this time. If the Court ultimately denies the motion for summary judgment, the parties may renew their motion and submit a revised proposed scheduling order within 10 days of the Court's Order for the undersigned's review.

IT IS HEREBY ORDERED that the parties' Joint Motion for Leave to Amend Scheduling Order [#26] is **DENIED WITHOUT PREJUDICE**.

SIGNED this 13th day of September, 2022.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE